

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**MDL 2724  
16-MD-2724**

**THIS DOCUMENT RELATES TO:**

*State Attorneys General Litigation*

**HON. CYNTHIA M. RUFÉ**

**ORDER**

**AND NOW**, this 27th day of September 2022, upon consideration of the attached Joint Stipulation on the Resolution between Plaintiff States and Defendants Regarding the Depositions of State Agencies and Their Employees, it is hereby **ORDERED** that the Joint Stipulation is **APPROVED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

*/s/ Cynthia M. Rufe*

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**CYNTHIA M. RUFÉ, J.**

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**IN RE: GENERIC PHARMACEUTICALS  
PRICING ANTITRUST LITIGATION**

**MDL 2724  
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**HON. CYNTHIA M. RUFÉ**

**THIS DOCUMENT RELATES TO:**  
  
***ALL ACTIONS***

**JOINT STIPULATION BETWEEN PLAINTIFF STATES AND DEFENDANTS  
REGARDING THE DEPOSITIONS OF STATE AGENCIES AND THEIR EMPLOYEES**

WHEREAS, certain U.S. states and territories, through their respective attorneys general (the “State Plaintiffs”), have brought suits that have been included in this MDL (Civ. Nos. 17-3768, 19-2407 and 20-3539);

WHEREAS, certain of the State Plaintiffs have brought claims on behalf of certain agencies and entities of their respective states or territories (the “State Agencies”);

WHEREAS, pursuant to Pre-Trial Order No. 158 (ECF #1688), State Plaintiffs Agree that Defendants are permitted to take depositions of the State Agencies on whose behalf a State seeks to support its proprietary damage claims under Fed. R. Civ. P. 30(b)(1) and 30(b)(6);

WHEREAS, the State Plaintiffs maintain that the State Agencies are not parties to the litigation and they do not have control of the State Agencies or their employees, while Defendants disagree with the State Plaintiffs’ position;

WHEREAS, the parties desire to proceed in an expedient fashion with depositions of the State Agencies and their employees, notwithstanding the above-mentioned dispute.

It is hereby stipulated and agreed, by the undersigned counsel, that:

1. State Plaintiffs expressly reserve all rights to object, in advance, to any deposition testimony on the grounds that the testimony elicited is improper under Fed. R. Civ. P. 30(b)(6). To the extent that a State Plaintiff does not make such an argument, or if any such objections are overruled by the Court, that State Plaintiff will not challenge the admissibility of any deposition testimony on the grounds that the State Agency is a non-party and therefore such testimony is not admissible under Fed. R. Civ. P. 32(a)(3) or Fed. R. Evid. 801(d)(2), or under any similar rule or law;

2. State Plaintiffs expressly reserve all rights to object, in advance, to any deposition testimony of any current or former State Agency employee on the grounds that such testimony is improper under Fed. R. Civ. P. 30(b)(1). To the extent that a State Plaintiff does not make such an argument, or if any such objections are overruled by the Court, that State Plaintiff will not challenge the admissibility of the testimony taken on the grounds that the testimony is not that of a party's employee or agent for the purposes of Fed. R. Evid. 801(d)(2)(D), or any similar rule or law.

3. This stipulation is entered into without prejudice to any other rights the State Plaintiffs may have, and State Plaintiffs expressly reserve all rights to object to any deposition testimony taken of any State Agency or any current or former State Agency employee on any other grounds not specifically identified in this Stipulation.

For the avoidance of doubt, this stipulation is without prejudice to the parties' positions as to whether the State Agencies are parties to this MDL, or whether the State Agencies and their employees are under the control of the State Plaintiffs.

**IT IS SO STIPULATED.**

Dated: September 15, 2022

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